

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 21, 1998

DIVISION ONE

B109371 People (Not for Publication)
v.
Osuna

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B115952 People v. Jackson (Not for Publication)

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B108370 People (Not for Publication)
v.
Newman

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Dunn, J. (Assigned)

April 21, 1998-Continued

DIVISION ONE (Continued)

[illegible]

The matter is remanded to the trial court with directions to impose only one-third the enhancements as to counts 2 and 3, to double the life terms as to counts 2 and 3, and issue a new abstract of judgment to be forwarded to the Department of Corrections. In all other respects, the judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Dunn, J. (Assigned)

B112164 Bennett (Not for Publication)
v.
VWR Scientific Products Corporation

The judgment is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

April 21, 1998-Continued

DIVISION ONE (Continued)

B106211 Tab (Not for Publication)
v.
Wali et al.

The judgments in favor of defendants Abdul Wali and California Sportscars, Inc., are reversed. Plaintiff Kenneth Tab is to recover costs on appeal.

Masterson, J.

We concur: Ortega, Acting P.J.
Dunn, J. (Assigned)

B102908 Molina et al. (Not for Publication)
v.
Civil Service Commission of the City of Los Angeles et al.

The judgment is reversed and the matter is remanded to the trial court with directions that the trial court address respondents' contentions that Cohen in fact conducted the *Skelly* hearing in a biased manner and that the findings of the Civil Service Commission of the City of Los Angeles were contrary to the weight of the evidence. Each party to bear its own costs on appeal.

Masterson, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B105768 Snow (Not for Publication)
v.
Williams

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B116902 In re Michael I. on Habeas Corpus (Certified for Publication)

We grant the writ, order CYA to vacate the April 18, 1997, annual review, and to schedule a new review within 30 days of the date of this opinion. CYA must make Michael's file available to McDonald at least 20 days before the new hearing, and permit Michael and McDonald to meet at least 10 days before the new hearing.

This opinion to become final forthwith.

Ortega, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

DIVISION TWO

B107009 People (Not for Publication)
 v.
 Michael S. Jenkins

The Court:

The matter is remanded for the trial court's exercise of discretion (1) whether to strike one or more of appellant's prior "strike" convictions, and (2) whether the terms imposed for burglary and assault with intent to commit rape are to be served concurrently or consecutively. The court is directed to impose two 5-year enhancement periods pursuant to section 667, subdivision (a)(1). The judgment is affirmed in all other respects.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

B095395 MacGregor Yacht Corporation
 v.
 State Compensation Insurance Fund

Filed order certifying opinion for publication.

DIVISION THREE

Court convened at 9:30 A.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., and Sandy Veverka, Deputy Clerk.

Each of the following:

B111678 People v. Sabel
B110091 People v. Arevalo
B111126 People v. Lopez
B114410 People v. Barnett
B110889 People v. Gordin
B112243 People v. Wilson
B113769 People v. Allen
B106134 People v. Chan
B107876 People v. Martinez
B108628 People v. Best
B119952 Hilda A. v. SCLA
B118688 Emmanuel S. v. SCLA

Argument waived, cause submitted.

B103995 People
 v.
 Uwagaboe

Merits:

Argued by Leonard J. Klaif for appellant and by Juliet H. Swoboda for respondent. Cause submitted.

B107704 Devandra K. Amin
 v.
 Avinash M. Mondkar

Merits:

Argued by David C. Tardiff for appellant and by Steven E. Young for respondent. Cause argued and deferred.

DIVISION THREE (Continued)

B107166 People
 v.
 Caird

Merits:

Argued by Robert W. Gehring for appellant and by David Andrew Eldridge for respondent. Cause submitted.

B101560 Hana Warfield
 v.
 UCLA Neurpsychiatric Hospital

Merits:

Argued by Timothy Bowles for appellant and by Carolyn Oill for respondent. Cause submitted.

B113949 Health Net
 v.
 SCLA
 (Steven Z. Heckler, r.p.i.)

Merits:

Argued by Christine T. Hoeffner for petitioner and by Jefferson W. Gross for real party in interest. Cause submitted.

B109064 People
 v.
 Alexander

Merits:

Argued by Tara K. Brigham for appellant and by Lori M. Gong for respondent. Cause submitted.

DIVISION THREE (Continued)

B113182 Johnny Bui
 v.
 City of Baldwin Park

Merits:

Argued by Robert Dourian for appellant and by Alex H. Cherin for respondent. Cause submitted.

B112263 International Longshoremen's & Warehouse
 v.
 Los Angeles Export Terminal, Inc.

Merits:

Argued by Gerald W. Palmer for appellant and by Arthur Krantz for respondent. Cause submitted.

B113641 Lawyer's Title Insurance Corp.
 v.
 Sina Akhtarzad

Merits:

Argued by Sina Akhtarzad for appellant and by David M. Marcus for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:30 P.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., and Sandy Veverka, Deputy Clerk.

DIVISION THREE (Continued)

Each of the following:

B113494 People v. Adam G.
B114970 People v. Tamiya Racole M.
B110334 People v. Duncan
B114903 People v. Reece
B115946 People v. Carrell
B115806 People v. Rocha

Argument waived, cause submitted.

B112712 Santo Roberto
 v.
 Michael Jay Sherman

Merits:

Argued by James L. Kellner for appellant and by Maxine J. Lebowitz for respondent. Cause submitted.

B114528 Sean Macias
 v.
 Julian Stanley

Merits:

Argued by David T. Harney for appellant and by Michael D. Lubrani for respondent. Cause submitted.

B109317 Donna & Anthony Stapleton
 v.
 Zimmer, Inc.

Merits:

Argued by Joseph Lisoni for appellant and by Kenneth M. Von Helmolt for respondent. Cause submitted.

Court adjourned.

April 21, 1998-Continued

DIVISION FOUR

Court convened for special session at 8:30 A.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., and V. Guzman, Deputy Clerk.

B121077 People of the State of California
v.
Los Angeles Superior Court
(Morton International, Inc., r.p.i.)

Merits:

Argued by Scott Dunham for real party in interest Morton International, Inc. and by Brentford J. Ferreira, deputy district attorney for petitioner. Cause submitted.

Court adjourned.

B121077 People (Not for Publication)
v.
Superior Court of Los Angeles County
Morton International, Inc., et al., rpis

We conclude that the special instruction as currently worded does not accurately state the law with regard to violation of Labor Code section 6425. Let a peremptory writ of mandate issue directing respondent to vacate its order of April 6, 1998, granting the motion in limine with respect to the special instruction, and to deny the motion as the instruction is currently worded.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FIVE

B111266 John Aivaz et al. (Not for Publication)
 v.
 Richard Sahroian et al.

The judgment is affirmed. Respondents Richard and Margaret Sahroian are awarded their costs and attorney's fees on appeal.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B109790 Robyn Stahl et al. (Certified for Publication)
 v.
 Wells Fargo Bank et al.

The order determining the depreciation reserve to be income is reversed. Robyn and Jolie Stahl are to recover their costs on appeal from the Estate of John M. Stahl.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B104583 Geraldine Goodstone (Certified for Partial Publication)
 v.
 Southwest Airlines
 Nikki Tolt

The judgment is affirmed. Defendants, Southwest Airline Co., Burbank Air Service, Inc., and Nordskog Electric Vehicle, shall each recover their costs on appeal from Nikki Tolt and Sheryl Schrager, jointly and severally.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

April 21, 1998-Continued

DIVISION FIVE (Continued)

B111224 M. Brian Murphy (Not for Publication)
v.
City of Orange

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
Godoy Perez, J.

[illegible]

The judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B113896 People
v.
Bruce C. Wells Jr.

Filed order denying petition for rehearing.

April 21, 1998-Continued

DIVISION SIX

B115850 Chemi (Not for Publication)
v.
Stuen, et al.

We reverse that part of the judgment requiring the parties to submit plans to the City within 60 days and ordering the block wall to be replaced as approved by the City. We remand for further proceedings consistent with this opinion. In all other respects, the judgment is affirmed. The parties shall bear their own costs in this appeal.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

B112129 People (Not for Publication)
v.
Curtis

The judgment is affirmed.

Stone, P.J.

We concur: Yegan, J.
Coffee, J.

B116185 The People (Not for Publication)
v.
Santa Barbara County Superior Court
Gerlach et al.

Let a writ of mandate issue directing respondent superior court to set aside its order denying the city's motion for summary adjudication, and to enter a judgment for the city. The order to show cause, having served its purpose, is dissolved.

Stone, P.J.

We concur: Gilbert, J.
 Yegan, J.

DIVISION SIX (Continued)

B112736 Ruiz (Not for Publication)

v.
Gupta et al.

We reverse the judgment dismissing respondents from appellants' action, and remand the case to the trial court for a determination of impracticability under Brunzell. Costs on appeal to appellants.

Stone, P.J.

We concur: Gilbert, J.
 Yegan, J.

B112604 People (Not for Publication)

v.
Fletcher

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.
 Coffee, J.

B116385 People (Not for Publication)

v.
Ramos

The judgment is affirmed.

Stone, P.J.

We concur: Gilbert, J.
 Yegan, J.

April 21, 1998-Continued

DIVISION SIX (Continued)

B116485 People v. Reyes (Not for Publication)

The case is remanded for resentencing consistent with the views expressed herein. In all other respects, the judgment is affirmed.

Gilbert, J.

We concur: Stone, P.J.
 Yegan, J.

B117826 People (Not for Publication)
v.
Van Stane

The judgment is affirmed.

Gilbert, J.

We concur: Stone, P.J.
 Yegan, J.

DIVISION SEVEN

B106557 People (Not for Publication)
v.
Jimenes

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
Woods, J.

April 21, 1998-Continued

DIVISION SEVEN (Continued)

B113446 People (Not for Publication)
v.
Soto

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
Johnson, J.

B102748 Penalver (Not for Publication)
v.
Pace Membership Warehouse, Inc., et al.

The judgment is affirmed. Respondent shall recover her costs on appeal.

Neal, J.

We concur: Johnson, Acting P.J.
Woods, J.

B111647 Uslan, et al. (Not for Publication)
v.
Fireman's Fund Ins. Company, et al.

The summary judgments in favor of Fireman's and Hooper's are reversed. Appellants shall recover their costs on appeal.

Neal, J.

We concur: Johnson, Acting P.J.
Woods, J.

B110664 Kutnyak
v.
Queen of Angeles Hospital

Filed order denying petition for rehearing.